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10   UNITED STATES DISTRICT COURT

11   NORTHERN DISTRICT OF CALIFORNIA

12   SAN FRANCISCO DIVISION

13   UNITED STATES OF AMERICA,   )   No.: CR 05-00656 PJH
)
14   Plaintiff,   )   PARTIES' STIPULATION AND
)   [~~PROPOSED~~] ORDER CONTINUING
15   v.   )   STATUS HEARING
)
16   MARK HANES,   )
)
17   Defendant.   )
)
18   _____)

19   The parties stipulate and agree, and the Court finds and holds, as follows:

20   1. The parties made their initial appearance in this Court on the above-captioned matter on

21   November 2, 2005.

22   2. At the November 2, 2005 appearance, the government indicated that it had provided

23   discovery to the defendant the day before, and defense counsel requested a continuance from

24   November 2, 2005 until November 9, 2005 based upon effective preparation of counsel in order

25   to review the discovery. The parties moved that this same time period be excluded from the

26   calculation of time under the Speedy Trial Act.

27   3. In light of the foregoing facts, the failure to grant the requested exclusion would

28   unreasonably deny counsel for the defense the reasonable time necessary for effective

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1   preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A),

2   (B)(iv). The ends of justice would be served by the Court excluding the proposed time period.

3   These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. §

4   3161(h)(8)(A).

5   4. For the reasons stated, the time period from November 2, 2005 through November 9, 2005

6   shall be excluded from the calculation of time under the Speedy Trial Act.

7   SO STIPULATED.

8   DATED: November 2, 2005   Respectfully Submitted,

9

10

11   _____/s/_____
     MICHELLE MORGAN-KELLY
     Assistant United States Attorney

12   DATED: November 3, 2005

13

14   _____/s/_____
     DANIEL BLANK
     Counsel for Defendant Mark Hanes

15

16   PURSUANT TO STIPULATION, IT IS SO ORDERED.

17

18   DATED: 11/8/05

19   _____
     HON. PHYLLIS J. HAMILTON
     United States District Court Judge

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the office of the United States Attorney, Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned certifies that she caused copies of

PARTIES' STIPULATION AND [PROPOSED] ORDER CONTINUING STATUS HEARING

in the case of **UNITED STATES V. MARK HANES, CR 05-00656 PJH** to be served on the parties in this action, by placing a true copy thereof in a sealed envelope, addressed as follows which is the last known address:

Dan Blank, Esq.
Federal Public Defender's Office
450 Golden Gate Avenue
San Francisco, CA 94102

__X__ (By Personal Service), I caused such envelope to be delivered by hand to the person or offices of each addressee(s) above.

_____ (By Facsimile), I caused each such document to be sent by Facsimile to the person or offices of each addressee(s) above.

_____ (By Mail), I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Francisco, California.

_____ (By Fed Ex), I caused each such envelope to be delivered by FED EX to the address listed above.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 3, 2005

_____
/s/
RAWATY YIM
United States Attorney's Office

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